

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DAWN M. SHELLY,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Case No. 4:09CV1365 CDP

**MEMORANDUM AND ORDER**

On April 7, 2010, plaintiff Dawn Shelly moved for an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, seeking fees in the amount of \$5402.59. Defendant responded to that motion stating that the parties agreed to fees in the amount of \$4536.79. Defendant also had no objection to these fees being paid directly to plaintiff's counsel, John D. Schneider. Plaintiff has now responded with a new motion for attorney's fees in the amount of \$4536.79.

On March 8, 2010, I remanded this case to defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security benefits may recover attorney's fees if she receives a sentence-four remand. *See Shalala v. Schaefer*, 509 U.S. 292, 295-96 (1993). Because plaintiff prevailed and is not otherwise


precluded from recovering attorney's fees, I find she is entitled to an award in the agreed amount of \$4536.79. Additionally, I determine that these fees may be made payable directly to plaintiff's counsel, John D. Schneider. *See Ratliff v. Astrue*, 540 F.3d 800, 802 (8th Cir. 2008), *cert. granted* 130 S. Ct. 48 (2009).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's second motion for attorney's fees [#26] is granted.

**IT IS FURTHER ORDERED** that defendant pay plaintiff attorney's fees in the amount of \$4536.79 to counsel John D. Schneider, 705 Olive Street Suite 815, St. Louis, Missouri 63101.

**IT IS FURTHER ORDERED** that plaintiff's second motion for attorney's fees [#23] is denied as moot.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 28th day of April, 2010.